

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 3, 2015
SUBJECT: BZA Case 18918 - request for special exception relief under § 223 to 940 14th Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403, Lot Occupancy Court (60 percent permitted, 69.4 percent proposed);
- § 404, Open Court (6 feet required, 0.58 feet proposed); and
- § 2001.3, Enlargements or Additions to Nonconforming Structures.

The applicants have also requested relief from § 401, Minimum Lot Dimensions, for lot width and area. The Zoning Administrator determined that this relief is not necessary because the lot predates the adoption of the Zoning Regulations in 1958.

II. LOCATION AND SITE DESCRIPTION

Address	940 14 th Street, S.E.
Legal Description	Square 1065, Lot 55
Ward	6B
Lot Characteristics	Rectangular lot with alley access
Zoning	R-4: Moderate density residential
Existing Development	One family row dwelling, permitted in this zone
Adjacent Properties	Row dwellings
Surrounding Neighborhood Character	Residential, including row houses and apartment buildings

III. PROJECT DESCRIPTION IN BRIEF

Applicants	Cynthia Cota and Edward Hertwig
Proposal	Construction of a three-story rear addition
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot max.	24 feet	35 feet	None required
Lot Width § 401	18-foot min.	16.67 feet	16.67 feet	None required
Lot Area § 402	1,800-sq. foot min.	1,553 sq. feet	1,553 sq. feet	None required
Floor Area Ratio § 402	None prescribed	0.74	1.43	None required
Lot Occupancy § 403	60% max.; 70% by SE	47.8%	69.4%	Required
Rear Yard § 404	20-foot min.	51 feet	28 feet	None required
Court Width § 406	6-foot min.	0.58 feet and	0.58 feet	Required

The applicant proposes to construct a three-story addition onto the rear of the dwelling, utilizing the foundation of the existing one-story kitchen, eliminating the need to underpin the foundations of the adjoining row houses. It would maintain the existing open courts on either side, where the open courts of the subject property and the two-story rear additions of the adjoining properties combine to form one larger space between the rear building additions.

VI. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The applicants are requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy, § 404, Courts and § 2001.3, Enlargements or Additions to Nonconforming Structures.

223.2 The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition would provide in excess of the minimum required rear yard of twenty feet, minimizing the impact the proposed building addition would have on neighboring properties.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The addition would have no windows or other openings on the sides of the building facing directly into the yards of the adjacent properties to the north and south. Windows and doors would either face into the rear yard or into a rear deck on the third floor.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed addition, which would be visible from the public alley and Ives Place, would be residential in appearance and in character with other dwellings in the square. The front wall of the addition would be set back sufficiently from the front of the dwelling sufficient to block its view as seen from the street at the front of the lot.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicants submitted plans, photographs, and section and elevation drawings sufficient to represent the relationship of the proposed addition.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy of 69.4 percent is less than the maximum seventy percent permitted in the R-4 by special exception.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no special treatment recommendations.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

VII. AGENCY COMMENTS

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

ANC 6B, at its regularly scheduled meeting of January 13, 2015, voted in support of the application.

Seven neighborhood residents submitted letters to the file in support of the application, including neighbors to the north, south and east, across the public alley.

Attachment: Location Map

